

MUST News

Fall 2002

Operating Tags 101

Special points of interest:

- New tags needed by October 1, 2002
- Compliance Plan deadline is September 1, 2002
- UST Installer/Remover classes October 16, 2002
- Vent/Riser and T-housing variances



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The inspection program instituted by the 1999 Montana Legislature has resulted in new tags for underground storage tank (UST) systems. Three different tags with slightly different purposes (see photo) will indicate to fuel distributors that a tank system may lawfully be filled. These tags should be attached to fill pipes in addition to the 1998 metal compliance tags that have been present for several years. If it is impractical to attach the tag to a fill pipe, it should be attached to another visible part of the tank.

An operating permit and OPERATING TAG will be issued to UST systems that are in full compliance. The operating permit and tags are good for three years, and must be attached to the tank in the same manner as the 1998 compliance tags. Even the tag numbers should match. The expiration month and year are punched into this blue metal tag. You may want to make note of that date. The operating per-



mit must be posted in a place where it can be read by department and implementing agency employees, regulated substance distributors, and facility employees. All UST systems will need a new compliance inspection at least 90 days before the operating tag (and permit) expires.

A PROVISIONAL OPERATING TAG (bright orange, plastic) will be issued to owners of UST systems that have returned a signed Compliance Plan to the department (see page 2, Compliance Plans). The provisional tag indicates to distributors that it is lawful to fill these UST systems. All provisional operating tags expire April 1, 2003. Corrective action must be completed and a passing re-inspection report must be submitted to the department by March 1, 2003.

Newly installed systems will need a CONDITIONAL OPERATING TAG (yellow, plastic) and permit to fill and dispense fuel. The department will issue a conditional operating tag once installation and testing of the new UST systems is completed. This tag allows owners time to operate the new system and to obtain a compliance inspection. Once the new UST system is in compliance with operation requirements and inspected, the department will issue an operating permit and tag.

Tag Deadline Dates

- Sept. 1, 2002 - Return compliance plan or submit reinspection report.
- Oct. 1, 2002 - To fill and dispense product, all active USTs must have an operating permit and tag, a provisional operating tag, or a conditional operating permit and tag.
- March 1, 2003 - Owners with USTs that have provisional operating tags must submit a reinspection report to the department.
- April 1, 2003 - To fill and dispense, all active USTs must have an operating permit and tag or a conditional operating permit and tag.

New Petroleum Board Policies

The Petroleum Tank Release Compensation Board (PTRCB) adopted five new policies in the past two years. Most of these policies directly pertain to costs incurred at petroleum releases sites. Knowing which costs the Board will reimburse will save you time and money in the long run. The summaries below are not complete and you should review the actual policies before incurring any of these costs.

Petroleum Storage Tank Removal Costs Reimbursement Policy -- Effective January 18, 2000 – This policy establishes guidelines for reimbursing tank removal costs. There are very specific conditions that must be met for tank removal to be covered under PTRCB. The tank removal must be required by the department and be the most effective method for cleanup. You must have three qualified bids and PTRCB will reimburse the lowest bid received.

Structure and Fixture Costs Policy -- Effective March 13, 2000 – This policy states that PTRCB will not reimburse for the removal, repair or replacement of structures (buildings, flooring, etc.) and fixtures (excluding petroleum storage tank systems) unless certain criteria are met. The Board and the department must pre-approve any such plans and it must be proven to be the most cost effective means to remediate the site.



Contractor Owned Equipment Policy -- Effective May 10, 2000 – This policy provides guidance on reasonable rates for contractor-owned equipment such as backhoes, dump trucks and loaders. The policy shows step by step how the department will determine rates for reimbursement.

Public Involvement Policy -- Effective July 10, 2000 – This policy states that the department will involve the public in all policy development and gives specific direction on how that is to be done.

Minimum Bid Policy -- Effective December 10, 2001 – This policy sets a level at which you or your consultant does not have to secure bids for subcontracted work. The Board currently requires three bids for any subcontracted work expected to cost more than \$2,500. This policy was adopted to save you and your consultant money on small jobs where getting the bids could end up costing more than the work itself. This policy has been adopted for a 12-month trial period.

For more information on these policies or other PTRCB issues, visit <http://www.deq.state.mt.us/pet/policies.asp> or call 1-800-556-5291.

Licensed UST Training & Testing in October

The Environmental Services Section will be holding training and testing in October. The training will include an Installer/Remover refresher course, a Remover refresher course, and an Inspector refresher course. The refresher courses will be held in Helena on October 16 and 17. ESS will also conduct testing for Installer/Remover and Remover licenses October 16 and 17. Inspector written and field tests will be administered during the class.

ministered during the class.

All courses can be used as continuing education credits toward license re-

For more information on licensing, visit the ESS website.
<http://www.deq.state.mt.us/Rem/tsb/ess/index.asp>

newal. The classes are free to licensed individuals and those interested in becoming licensed.

ESS is looking for Installers who would be willing to help with the presentation. Contact Redge Meierhenry at (406) 444-1417 for details.

For more information or to register for the classes, contact ESS at (406) 444-1420 or ustprogram@state.mt.us.

Department Issues Variance for Corrosion Protection on Vent Risers

The variance allows owners and operators to postpone complying with corrosion protection requirements on vent risers for up to 10 years or the earliest practicable time for compliance, whichever occurs first. The earliest practicable time for compliance will occur when (1) other work is done at the facility that will allow costs to be shared, (2) the equipment or compli-

ance method is replaced or upgraded, or (3) access to the equipment subject to the variance is facilitated by removal of concrete for another project.



The department is considering another variance for postponing leak detection requirements on T-housing adapters for mechanical line leak detectors.

Owner/Operator Training Cancelled

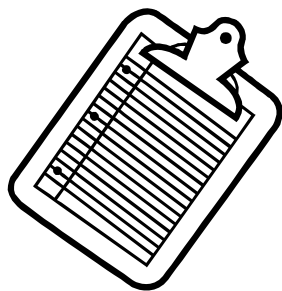
Owner and operator training is no longer required as part of a compliance plan. The department has cancelled the training that was scheduled for Fall of 2002. The department has contacted owners that received a compliance plan and informed them of the change.

Revised Form for Installers and Removers

The Environmental Services Section has revised the Certification of Compliance.

The revision clarifies that the Certification of Compliance should be completed and submitted to the department only "after all installation and testing is finished."

The new edition has a revision date of 7/2002 at the bottom. Contact ESS for copies of the new Certification of Compliance or look for it with permits issued after August 8, 2002.



One Stop Fees

The Montana Department of Revenue (DOR) will be taking over fee collection beginning November 2002 UST Registration. All facility owners that have received UST invoices from DEQ will receive all billing notices from DOR as part of the "One Stop Business Licensing" program. Owners will be able to pay food, tobacco, alcohol, metering, and now UST registration fees at the same time by check, money order, or credit card. A welcome letter and additional information will soon be in the mail to those affected. This new billing process will not affect UST permitting, inspections, installations, removals, or modifications, which will be handled by DEQ as before. Please review the welcome letter and information when you receive it from the DOR. It should answer most of the questions you may have about this new billing process.



Statistics from the Compliance Inspection Program

Montana should soon have some of the best-maintained and operated facilities in the nation. We will have come a long way in a very short period. Corrective action is well underway to fix the deficiencies discovered by the Compliance Inspection program, but what was the starting point?

As of January 1, 2002, 1,397 facilities out of 1,515 were inspected (92.2%). 892 (64%) had violations at the time of the inspection.

Line leak detection (LLD) violations: 673 violations at 426 facilities (30% of inspected facilities). 186 violations reflected equipment deficiencies or that no LLD method was in place; 210 were lacking required LLD-related tests; 168 were lacking LLD-related records; and 109 were lacking documentation of some LLD-related requirement on the inspection report.

Tank leak detection (TLD) violations: 659 violations at 422 facilities (30% of inspected facilities). 271 vio-

lations reflected equipment deficiencies or that no TLD method was in place; 59 were lacking required TLD-related tests; 287 were lacking TLD-related records; and 2 were lacking documentation of some TLD-related requirement on the inspection report.

Line corrosion protection (LCP) violations: 687 violations at 505 facilities (36% of inspected facilities). Violations on product piping: 354 (51.5% of LCP violations); 129 reflected equipment deficiencies; 139 reflected the lack of a current comprehensive CP test; 61 lacked some form of CP records (almost all were rectifier exam records); and 25 lacked documentation of some LCP-related requirement on the inspection report.

Violations on vents and risers (subject to a variance): 333 (48.5% of inspected facilities). 228 reflected equipment deficiencies; 31 reflected the lack of a current comprehensive CP test on just that portion of the UST system; 5 lacked some form of CP records on that portion of the UST system; and 69 lacked documentation of some

LCP-related requirement on the inspection report.

Tank corrosion protection (TCP) violations: 313 violations from 298 facilities (21% of inspected facilities). 32 reflected inadequate or no CP installed on the tanks; 211 reflected the lack of a current comprehensive CP test on the tank; 63 lacked some form of CP records; and 7 lacked documentation of some TCP-related requirement on the inspection report.

Overfill prevention violations: 105 violations at 105 facilities (8% of inspected facilities).

Spill protection violations: 19 violations at 19 facilities (1% of inspected facilities).

All violations are being corrected prior to September 1, 2002, or through the Compliance Plan process to ensure better operation and fewer releases. By April 1, 2003, Montana facilities should be in full compliance with UST regulations. Montana's water users thank you.

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DEQ Fines UST Installer/Remover

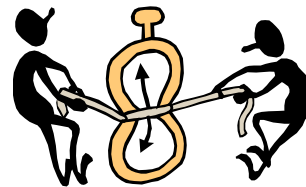
On June 17, 2002, James Olsen signed a consent agreement with the Department of Environmental Quality requiring Mr. Olsen and his company, Precision Technologies, Inc., to pay a civil penalty of up to \$200,000 for over 60 violations of underground storage tank laws and regulations. Also, Mr. Olsen agreed to refrain from installing, removing, or inspecting USTs in Montana.

In a separate action, the department revoked Mr. Olsen's Installer/Remover license.

Compliance Plan Deadline: September 1, 2002

Due to the number of compliance deficiencies identified during inspections and the short time to correct them, the department adopted rules that gave owners and operators an additional year to correct those deficiencies and achieve full compliance. The rule required owners and operators to file a Compliance Plan by September 1, 2002. That deadline has passed, but the department will still accept them – though issuance of Provisional Operating Tags to those facility owners could be delayed beyond October 1.

If you are unable to fix all deficiencies or collect necessary records, sign and submit the department-issued Compliance Plan as soon as possible. Submitting the Compliance Plan will allow until March 1, 2003 to fix deficiencies, collect records and get a reinspection. Make sure that a compliance inspector submits a reinspec-



tion report to the department showing that all deficiencies are corrected. The department can only issue an Operating

Permit and Tags if an inspector certifies to the department that your facility is in compliance.

As of September 1, the department has received 260 active Compliance Plans. 241 active Compliance Plans remain unsigned. If you are among these, the department hopes to hear from you soon.

